

JB

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:02-M-297

UNITED STATES OF AMERICA	)	
	)	ORDER FOR DISMISSAL
v.	)	
	)	
HUGO BENALCAZAR	)	

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of Court endorsed herein, the United States Attorney for the Eastern District of North Carolina hereby dismisses the Criminal Complaint and Warrant against the above-captioned defendant without prejudice, and shows unto the Court the following:

1. This Complaint and Arrest Warrant was issued by then Magistrate Judge Mason on or about May 24, 2002. The defendant was taken into administrative custody on or about September 24, 2009. The Bureau of Immigration and Customs Enforcement (ICE) reports that the defendant has been the subject of a de-naturalization process in another district and is now in the process of being deported.

2. ICE also reports that in the course of the reorganization which resulted in the functions formally handled by the Immigration and Naturalization Service being split and brought into the Department of Homeland Security, the evidence supportive of the charges against the defendant in this district is no longer

available. In acknowledgment of this fact, ICE has begun administrative proceeding with intent to deport the defendant. He is in administrative custody.

3. The loss of the evidence leads the Government to the conclusion that the allegation contained in the subject complaint is no longer viable. As a consequence the Government moves the Court to dismiss the subject Indictment.


Respectfully submitted, this 5<sup>th</sup> day of November, 2009.

GEORGE E. B. HOLDING  
United States Attorney

/s/ John S. Bowler  
BY: JOHN S. BOWLER  
Assistant United States Attorney  
Criminal

Leave of Court is granted for the filing of the foregoing dismissal.

SO ORDERED. This 11 day of February 2013.

  
JAMES C. DEVER III  
Chief United States District Judge